

Service Date: April 13 1987

FINAL ORDER NO. 5775

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-8991
CLIFF REED, INC. Corvallis, Montana)	
for a Class C Certificate of Public)	ORDER NO. 5775
Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On September 25, 1986, Cliff Reed, Inc., 510 Willow Creek Road, Corvallis, Montana 59828 filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of building materials, equipment and supplies except petroleum products in bulk between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public November 3, 1986. That

notice said in pertinent part:

If no written protests are received by November 23, 1986, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana; Ed Marks Trucking, Inc., Kalispell, Montana; Monte Petersen dba Petersen Trucking, Missoula, Montana; Dixon Bros., Inc.; William J. Wimett dba Wimett Trucking, Missoula, Montana; Americana Expressways, Inc., Great Falls, Montana; Big Horn Transportation Company, Billings, Montana; Dick Irvin, Inc., Shelby, Montana; Bob Boyd Trucking, Inc., Livingston, Montana; Getter Trucking, Inc., Billings, Montana;

4. On December 8, 1986, Applicant submitted an amendment to his application proposing the following scope of authority:

Class C: Building materials, equipment and supplies between all points and places in Montana. Limitations: 1. Transportation is limited to the account of Independent Lumber & Supply, Inc. of Missoula, Montana. 2. Transportation of petroleum products, in tank vehicles, barite (bagged and bulk); cement and lime are prohibited.

On December 12, 1986, Applicant submitted a second amendment to his application as follows:

Class C: Building materials between all points and places in Montana. Limitations: 1. Transportation is limited to the account of Independent Lumber & Supply, Inc. of Missoula. 2. Transportation of petroleum products, in tank vehicles, barite (bagged and bulk); cement and lime (in bulk) are prohibited.

5. On December 12, 1986, Applicant requested a continuation of the public hearing scheduled for December 16, 1986 for Docket T-8991. The continuation was granted.

6. On February 18, 1987, Applicant submitted the third amendment to Docket T-8991, withdrawing all previous amendments:

Class C: Building materials between all points and places in Montana. (Transportation of petroleum products in tank vehicles is prohibited).

7. On February 23, 1987, the Commission issued Notice of Public Hearing in Docket T-8991 and scheduled the hearing for March 18, 1987. On March 18, 1987, Applicant submitted the Fourth Amendment to the application:

Class C: Building materials, specifically limited to: Lumber, lumber products, bagged cement, metal and metal products between all points and places in Montana. Limitations: Transportation services are limited to the accounts of Independent Lumber & Supply Inc. of Missoula, Montana, and Selway Corporation of Stevensville, Montana.

All protests to the application were subsequently withdrawn and the hearing was not held.

8. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 13th day of April, 1987, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8991, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of CLIFF REED, INC. Corvallis, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C: Building materials, specifically limited to:

Lumber, lumber products, bagged cement, metal and metal

products between all points and places in Montana.

Limitations: Transportation services are limited to the accounts of Independent Lumber & Supply Inc. of Missoula, Montana, and Selway Corporation of Stevensville, Montana.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 13th day of April, 1987, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD ELLIS, Commissioner

TOM MONAHAN, Commissioner

JOHN DRISCOLL, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.